

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
JUAN OMAR ALVAREZ BERRIOS
AILYN YADIRA ROSARIO RESTO

DEBTOR (S)

CASE NO. 13-05014-MCF

CHAPTER 13

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Under Median / 36 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0.01 R2016 STM. \$3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: \$2,400.00 Fees paid: \$0.00 Fees Outstanding: \$2,400.00
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With respect to the proposed (amended) Plan dated: **August 07, 2013** (Dkt 17). Plan Base: **18,320.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Fails Disposable Income Test [11 U.S.C. §1325(b)]

Per paystubs, Debtor's monthly income is \$628.00 (\$145.00 weekly), which is less than the amount reported in Schedule I. This amount was calculated because debtor has failed to submit the paystubs for December 2012, therefore, the Trustee cannot verify the average of the monthly income listed in Schedule I. Therefore, debtor must submit the paystubs of December 2012 to Trustee.

- Debtor(s) fails to comply with Income Tax Return filing requirements of §1308. [§1325(a)(9)]

Debtor has not submitted copy of 1040PR for the year 2012, therefore the Debtors have failed to complied with 11 U.S.C. §1308. Therefore, the Trustee filed a motion requesting the dismissal of this case. (Docket No. 13)

- Debtor(s) has/have failed to comply with her/his/their duties as a Debtor(s), debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, impairing the Trustee duties performance under the Code. [11 USC §521 & §1302(b)]

The debtors have failed to submit evidence of value assigned to 1997 Ford Expedition. The Debtors have failed to amend the Schedule B to list bank account with Banco Popular de Puerto Rico.

- Other/Comments

Debtor must explain if he receives Christmas Bonus. Please note that the Schedule I was amended only to include joint debtor's Christmas Bonus

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this August 16, 2013.

/s/ Mayra Arguelles -Staff Attorney

JOSE R. CARRION
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